IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUM. SUIT NO. 1796 OF 2000

Jagdish Lachhandas Makhija .. Plaintiff.

vs.

M/s. Phar-East Laboratories

and another. .. Defendants.

Mr. R.L. Chalke for plaintiff.

None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 9th January,2006.

P.C.

. The present suit is filed on a hundi dated 3.4.1997 for a sum of Rs. 5,35,000/-. It is the case of the plaintiff that the cheque is dishonoured. A notice was also given. Affidavits of service dated 5.2.2002, 14.12.2005 and 8.12.2005 have been filed and the same are taken on record. The plaintiff has tendered the original documents which are taken on record and marked Exhibit-A collectively. The plaintiff is at liberty to withdraw the documents after furnishing xerox copies thereof. In so far as the defendant no. 2 is concerned, the learned counsel appearing for the

plaintiff does not press the suit. The suit as against defendant no. 2 is accordingly dismissed. In so far as the defendant no. 1 is concerned, in spite of service no vakalatnama is filed. In that light of the matter, there shall be a decree in favour of the plaintiff and against the defendant no. 1 in the sum of Rs. 5,35,000/- with simple interest at the rate of 12 %. from the due date i.e. 3.7.1997 till payment and/or realisation. No order as to costs.